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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,201	03/24/2000	David R. Larsen	4760	2945

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/534,201	<b>Applicant(s)</b> LARSEN, DAVID R.	
	<b>Examiner</b> James A. Kramer	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/06 has been entered.

### ***Response to Amendment***

The declaration filed on 11/14/05 under 37 CFR 1.131 is sufficient to overcome the Checkfree reference.

Examiner notes that while conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

MPEP 715.02 states that a declaration must establish possession of either the whole invention claimed or something falling within the claims (such as a species of a claimed genus), in the sense that that claim as a whole reads on it. Further, even if applicant's 37 CFR 1.131 affidavit is not fully commensurate with the rejected claim, the applicant can still overcome the rejection by showing that the differences between the claimed invention and the showing under 37 CFR 1.131 would have been obvious to one of ordinary skill in the art, in view of applicant's evidence, prior to the effective date of the reference.

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Examiner notes that in this case Applicant's evidence, namely Exhibits A, B, C, and D are not fully commensurate with the rejected claims. For example claim 12 includes specific steps taken to reconcile one transaction with a combination of at least two transactions. However, as pointed out in the MPEP if it is found that these differences between the claimed invention and the evidence shown under 37 CFR 1.131 would have been obvious to one of ordinary skill in the art at the time of the invention the rejection can still be overcome.

In this case Examiner finds that while claim 12 is lengthy, the substance of the claim would have been obvious to one of ordinary skill in the art at the time of the invention as a matching algorithm. As such the declaration under 37 CFR 1.131 is sufficient to overcome the Checkfree reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al in view of Kreminc ("Reconciling accounts the automated way" by Kathleen Kreminc).

Dunn teaches a computer aided reconciliation method and apparatus. Dunn teaches a bank sending a customer an electronic copy of a first list or bank statement (see column 5, line 55 through column 6 line 3).

Dunn further teaches reconciling a first list (a bank statement) formed of a first number of first records and a second list (bank customer's list of records) formed of a second number of

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second records where the records affect the account balance for the bank statement. For each unmatched record in the first list, a corresponding record from the second list is selected based upon a match value. Whenever the match value exceeds a threshold value, the corresponding records from the first and second lists are paired and thereafter, are removed from further reconciliation processing. The highest match value resulting from comparing record elements and other attributes of records from the first and second lists is determined as a probable match for reconciliation (see abstract).

Examiner notes that Dunn teaches all of Applicant's claimed limitations except matching a transaction from the first list (bank statement) to a subset of transaction on the second list. Kreminiec teaches an automated reconciliation engine which allows for the matching of multiple transactions to a summary transaction, thereby reducing the number of unmatched items that require research.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Dunn to include a reconciliation engine that allows for the matching of multiple transactions to a summary transaction as taught by Kreminiec. One of ordinary skill in the art would have been motivated to modify the reference to reduce the number of unmatched items that require research.

Examiner further notes that the specific details of the steps taken by the reconciliation engine of Kreminiec are not taught. However, as pointed out with respect to Applicant's declaration under 37 CFR 1.131 the details of such a reconciliation engine would have been obvious to one of ordinary skill in the art as a matching algorithm. Examiner notes that

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search/matching algorithms are old and well-known in the art and have been explained and discussed for in text books as one of the fundamental coding principles.

Further, Examiner believes that Applicant inventive concept resides not in the specific steps associated with the searching/matching algorithm but rather in the application of these old and well-known principles to the account reconciliation field.

As the Kreminiec article teaches Recon-Plus, a reconciliation engine within the account reconciliation field incorporating one-to-many and many-to-many searching/matching algorithms, Examiner adopts the position that Applicant's claimed invention is obvious in view of the prior art.

In support of this position, Examiner asserts that steps used by the reconciliation engine of Recon-Plus and Applicant's claimed steps, at the very least represent art recognized equivalents and therefore it would be obvious to substitute one for the other. First, they both achieve the exact same result (i.e. reconciliation of one transaction to a subset of at least two transactions) and second Applicant's steps do not provide an unexpected result.

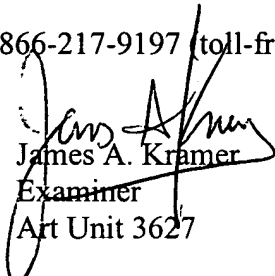
Examiner reminds Applicant that this rationale was applied to the Applicant's declaration under 37 CFR 1.131. Therefore, any argument against this position is also an argument against said declaration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627

3/24/06

jak